

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-227-BO

IN RE:)
)
YULMA Y. ALVARADO,)
)
Appellant.) ORDER

This matter is before the Court on appeal from the United States Bankruptcy Court in the Eastern District of North Carolina. [DE 1]. For the reasons discussed below, the Court, on recommendation from the bankruptcy judge [DE 5] and pursuant to Federal Rule of Bankruptcy Procedure 8009, hereby dismisses the case.

Federal Rule of Bankruptcy Procedure 8009 requires that an appellant from bankruptcy court “file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented” within 14 days after appellant’s notice of appeal as of right becomes effective or and order granting leave to appeal is entered. Fed. R. Bankr. P. 8009(a).

Here, appellant filed a notice of appeal with this Court on May 5, 2016, appealing the dismissal of her case with prejudice for failure to prosecute in the bankruptcy court. [DE 1, 1-1]. Also on May 4, 2016, the bankruptcy court entered an appeal memorandum, which provided notice that within 14 days after the filing of the notice of appeal, appellant must file a designation of items to be included in the record on appeal and statement of issues to be presented, pursuant to Federal Rule of Bankruptcy Procedure 8009.

As of the bankruptcy judge’s recommendation for dismissal to this Court on May 25, 2016, appellant had not filed the necessary documents or explained her failure to do so. Nothing

has been filed on the docket in this case since the bankruptcy judge's recommendation to indicate that this has changed. Therefore, this case is dismissed for appellant's failure to comply with appellate procedure.

CONCLUSION

The Court DISMISSES the appeal WITHOUT PREJUDICE. The clerk is DIRECTED to close the case.

SO ORDERED, this 29 day of July, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE